

Message

From: Goforth, Kathleen [Goforth.Kathleen@epa.gov]
Sent: 12/6/2017 10:40:09 PM
To: Gerdes, Jason [Gerdes.Jason@epa.gov]; Capilla, Morgan [capilla.morgan@epa.gov]
CC: Dunning, Connell [Dunning.Connell@epa.gov]; Moutoux, Nicole [Moutoux.Nicole@epa.gov]
Subject: Ratings Options Paper - regional review - 12-6-17.docx
Attachments: Ratings Options Paper - regional review - 12-6-17.docx

I understand that the previous attachment did not open properly. Try this one.
-Kathy

Message

From: Hessert, Aimee [Hessert.Aimee@epa.gov]
Sent: 9/12/2018 9:18:23 PM
To: Schaedle, Candi [Schaedle.Candi@epa.gov]; Roemele, Julie [Roemele.Julie@epa.gov]
Subject: Re: Final Survey Report and Appendix
Attachments: Survey Report (Final) 8_2_18 (Hessert, Aimee).docx

From: Schaedle, Candi
Sent: Thursday, August 2, 2018 11:51 AM
To: Roemele, Julie; Hessert, Aimee
Subject: RE: Final Survey Report and Appendix

Ex. 5 Deliberative Process (DP)

Appendix. Please let me know if you have any other corrections.

From: Roemele, Julie
Sent: Thursday, August 02, 2018 9:01 AM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: RE: Final Survey Report and Appendix

Kelly,

Ex. 5 Deliberative Process (DP)

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Knight, Kelly
Sent: Thursday, August 02, 2018 8:22 AM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: RE: Final Survey Report and Appendix

Thanks to all. I appreciate your hard work and dedication.

Am I good to send this out to the regional managers?

From: Roemele, Julie
Sent: Tuesday, July 31, 2018 12:08 PM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: Final Survey Report and Appendix

Kelly,

After many months of hard work and dedication, I present the Final Survey Report and Appendix.

I want to thank you for your patience and understanding.

Big kudos to Aimee and Megan for their amazing work and a big thank you for Candi for formatting the report.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Hessert, Aimee [Hessert.Aimee@epa.gov]
Sent: 3/22/2018 12:55:18 PM
Subject: FW: Draft 309 Rating System Memo
Attachments: Draft Memo 309 Rating System 3-22-18(2).docx; Draft Memo 309 Rating System 3-22-18kk(ash).docx

From: Hessert, Aimee
Sent: Thursday, March 22, 2018 8:41 AM
To: Knight, Kelly
Subject: RE: Draft 309 Rating System Memo

Looks great! Attached is a mark-up with my two small edits, and a clean version where I incorporated all of your changes (and my small edits).

Thank you, Aimee

From: Knight, Kelly
Sent: Thursday, March 22, 2018 8:26 AM
To: Hessert, Aimee
Subject: RE: Draft 309 Rating System Memo

Aimee,

Let me know what you think.

-----Original Message-----

From: Hessert, Aimee
Sent: Thursday, March 22, 2018 7:34 AM
To: Knight, Kelly <knight.kelly@epa.gov>
Subject: Draft 309 Rating System Memo

Kelly,

This version incorporates changes from the Regions per our discussion this morning.

Thank you, Aimee

Aimee Hessert
NEPA Compliance Division
202-564-0993

Message

Sent: 11/30/2017 12:02:51 AM
To: Roemele, Julie [Roemele.Julie@epa.gov]; roemele; roemele; roemele
Subject: Progress - Survey Report
Attachments: Draft ESMOD NEPA Survey Report 2017 11_22 (003)(1)(ASH).docx

Message

From: Knight, Kelly [knight.kelly@epa.gov]
Sent: 3/22/2018 12:26:23 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: RE: Draft 309 Rating System Memo
Attachments: Draft Memo 309 Rating System 3-22-18kk.docx

Aimee,

Let me know what you think.

-----Original Message-----

From: Hessert, Aimee
Sent: Thursday, March 22, 2018 7:34 AM
To: Knight, Kelly <knight.kelly@epa.gov>
Subject: Draft 309 Rating System Memo

Kelly,

This version incorporates changes from the Regions per our discussion this morning.

Thank you, Aimee

Aimee Hessert
NEPA Compliance Division
202-564-0993

Message

From: Trice, Jessica [Trice.Jessica@epa.gov]
Sent: 3/20/2018 5:13:41 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: RE: Draft for review
Attachments: Draft Memo 309 Rating System 3-19-18 - JMT.docx

Looks awesome. As always you are a great writer! Attached are a few thoughts.

Jessica Trice
NEPA Compliance Division
U.S. Environmental Protection Agency
Phone: (202) 564-6646
Email: trice.jessica@epa.gov

-----Original Message-----

From: Hessert, Aimee
Sent: Tuesday, March 20, 2018 12:33 PM
To: Trice, Jessica <Trice.Jessica@epa.gov>
Subject: Draft for review

Thank you Jess!

Message

From: Schaedle, Candi [Schaedle.Candi@epa.gov]
Sent: 3/15/2018 6:13:22 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: FW: draft 309 policy and guidance
Attachments: nepa_policies_procedures DRAFT.doc

Importance: High

Hi Aimee,

I think this is what you are looking for of the original mark-up so you can reject the edits

From: Schaedle, Candi
Sent: Tuesday, February 23, 2016 7:05 PM
To: Leff, Karin <Leff.Karin@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>
Subject: draft 309 policy and guidance

Attached for your consideration is the draft technical edits to the 309 policy and procedures. If you have any questions on this draft, please let me know.

Thanks!

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 3/7/2018 4:10:35 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: Ratings Appendix
Attachments: Appendix Ratings Question 3.docx

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 8/2/2018 7:46:39 PM
To: Knight, Kelly [knight.kelly@epa.gov]
CC: Hessert, Aimee [Hessert.Aimee@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Suriano, Elaine [Suriano.Elaine@epa.gov]
Subject: RE: Final Survey Report and Appendix
Attachments: Survey Report Appendix (Final) 8_2_18.docx; Survey Report (Final) 8_2_18.docx

Kelly,

Please use these versions to send out to the regional managers.

I also need to add that Elaine was extremely helpful in reviewing the report as well.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Knight, Kelly
Sent: Thursday, August 02, 2018 8:22 AM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: RE: Final Survey Report and Appendix

Thanks to all. I appreciate your hard work and dedication.

Am I good to send this out to the regional managers?

From: Roemele, Julie
Sent: Tuesday, July 31, 2018 12:08 PM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: Final Survey Report and Appendix

Kelly,

After many months of hard work and dedication, I present the Final Survey Report and Appendix.

I want to thank you for your patience and understanding.

Big kudos to Aimee and Megan for their amazing work and a big thank you for Candi for formatting the report.

Julie A. Roemele

Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 5/30/2018 8:23:43 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: updated appendix for Recommendations
Attachments: Appendix - Commenters Issues and Recommendations 5_30_2018.docx

Aimee,

Just wanted you to see the new format

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 7/3/2018 1:04:51 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]
Subject: FW: Survey Report
Attachments: Survey Report 6_13_18 Schaedle edits (CLEAN VERSION).docx; Survey Report 6_13_18 Schaedle edits.docx; Survey Report Appendices 6_13_18.docx

All:

Candi reformatted the survey report to make it more reader friendly and easier to read.

Ex. 5 Deliberative Process (DP)

If you see anything in your sections that need be addressed.

Let me know ASAP so we can address it.

I'm also attaching the appendix.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Schaedle, Candi
Sent: Monday, July 02, 2018 4:39 PM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Subject: Survey Report

Hi Julie,

I finished formatting the survey report for you.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

n. I've attached the mark-up and a clean version.

Message

From: Schaedle, Candi [Schaedle.Candi@epa.gov]
Sent: 8/2/2018 3:51:55 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]; Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: RE: Final Survey Report and Appendix
Attachments: Survey Report (Final) 8_2_18.docx; Survey Report Appendix (Final) 8_2_18.docx

Sorry – I got behind [Ex. 5 Deliberative Process (DP)]. It is now corrected in the Survey Report and Appendix. Please let me know if you have any other corrections.

From: Roemele, Julie
Sent: Thursday, August 02, 2018 9:01 AM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: RE: Final Survey Report and Appendix

Kelly,

It came to my attention that a few sections need to be looked over again.

Hoping to send you another version COB today.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Knight, Kelly
Sent: Thursday, August 02, 2018 8:22 AM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: RE: Final Survey Report and Appendix

Thanks to all. I appreciate your hard work and dedication.

Am I good to send this out to the regional managers?

From: Roemele, Julie
Sent: Tuesday, July 31, 2018 12:08 PM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: Final Survey Report and Appendix

Kelly,

After many months of hard work and dedication, I present the Final Survey Report and Appendix.

I want to thank you for your patience and understanding.

Big kudos to Aimee and Megan for their amazing work and a big thank you for Candi for formatting the report.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 7/31/2018 4:08:12 PM
To: Knight, Kelly [knight.kelly@epa.gov]
CC: Hessert, Aimee [Hessert.Aimee@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]
Subject: Final Survey Report and Appendix
Attachments: Survey Report Appendix (Final) 7_31_18.docx; Survey Report (Final) 7_31_18.docx

Kelly,

After many months of hard work and dedication, I present the Final Survey Report and Appendix.

I want to thank you for your patience and understanding.

Big kudos to Aimee and Megan for their amazing work and a big thank you for Candi for formatting the report.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Rountree, Marthea [Rountree.Marthea@epa.gov]
Sent: 5/9/2018 9:09:47 PM
To: Barnhart, Megan [barnhart.megan@epa.gov]; Hessert, Aimee [Hessert.Aimee@epa.gov]; Knight, Kelly [knight.kelly@epa.gov]; Nowakowski, Matt [Nowakowski.Matt@epa.gov]; Roemele, Julie [Roemele.Julie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Suriano, Elaine [Suriano.Elaine@epa.gov]; Trice, Jessica [Trice.Jessica@epa.gov]
Subject: Agency Visits Protocol and Schedule
Attachments: Agency Visits Protocol 5-9-18 .docx; Agency Visit Schedule 4-24-18.xls

Good Afternoon NCD,

Attached are two documents. One is a draft protocol for agency visits with the hows, whys, and responsibilities for the visits. The other is a draft schedule that includes input that you provided in April.

Please review and provide any comments/modifications that you may have on both documents by COB

Ex. 5 Deliberative Process (DP)

Thanks again,

MR

From: Rountree, Marthea
Sent: Monday, April 09, 2018 3:47 PM
To: OECA-OFA-NEPA <OECAOFANEP@epa.gov>
Subject: RE: Agency Visit Schedule

FYI- Just a reminder to update the attached at your earliest convenience.

Thanks,

MR

From: Rountree, Marthea
Sent: Friday, March 30, 2018 4:43 PM
To: OECA-OFA-NEPA <OECAOFANEP@epa.gov>
Subject: Agency Visit Schedule

Good Afternoon NCD,

We are in the process of developing a protocol and schedule for NCD to engage with and/or visit our sister agencies. The intent is to build better relationships. The agencies currently in the attached list are based on comment letters from October 2015 to October 2017 in CDX. Please provide the information requested in columns "E" through

"I" for each of your agencies so that a logical determination can be made for scheduling purposes. The following includes an explanation of the requested information.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

MR

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 7/31/2018 1:30:21 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: FW: Survey Report and Appendix
Attachments: Survey Report 7_30_18.docx; Survey Report Appendix 7_30_18.docx

Aimee,

Please give this a quick look over. I want to send to Kelly today or tomorrow.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Schaedle, Candi
Sent: Monday, July 30, 2018 6:47 PM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Subject: Survey Report and Appendix

For your review is the Survey Report and Appendix.

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 6/7/2018 4:20:54 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: Ratings
Attachments: Survey Report - Ratings Section.docx

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 6/7/2018 3:00:34 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: Latest version of the Appendix
Attachments: Survey Report Appendices 6_7_18.docx

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 6/4/2018 5:16:11 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: Survey Report
Attachments: Survey ES 6 1 Review of Report 5_29_18.docx

Aimee,

I had Elaine review the report again and wanted you to see her edits and suggestions, especially to your sections.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 11/28/2017 6:51:09 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: FW: Review of Draft Survey report
Attachments: Draft ESMOD NEPA Survey Report 2017 11_22 (003).docx

FYI

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Suriano, Elaine
Sent: Friday, November 24, 2017 1:42 PM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Subject: Review of Draft

J –

Ex. 5 Deliberative Process (DP)

I hope the comments are helpful. **Ex. 5 Deliberative Process (DP)**

Regards, E...

Elaine Suriano
Environmental Scientist
Office of Federal Activities (2252A)
WJC South - 7235C
1200 Penna. Ave., NW
Washington, DC 20460

PH 202 564 7162 - FX 202 564 0070

suriano.elaine@epa.gov

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 5/31/2018 3:51:39 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: appendix for 3 and 6.
Attachments: Appendix Ratings Question 3 5_30_18.docx

Aimee,

Ex. 5 Deliberative Process (DP)

recall those? I've marked those in green.

For Appendix 3, I have to **Ex. 5 Deliberative Process (DP)**

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Suriano, Elaine [Suriano.Elaine@epa.gov]
Sent: 11/24/2017 2:30:32 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]; Knight, Kelly [knight.kelly@epa.gov]
CC: Hessert, Aimee [Hessert.Aimee@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]
Subject: J - thks for the draft. E..
Attachments: Draft Survey Report

Elaine Suriano
Environmental Scientist
Office of Federal Activities (2252A)
WJC South - 7235C
1200 Penna. Ave., NW
Washington, DC 20460
PH 202 564 7162 - FX 202 564 0070
suriano.elaine@epa.gov

Message

From: Barnhart, Megan [barnhart.megan@epa.gov]
Sent: 1/4/2018 5:39:31 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]; Roemele, Julie [Roemele.Julie@epa.gov]
Attachments: Survey Data 12_4.xlsx; Question 7 Appendix.docx

.....
Megan Barnhart
U.S. Environmental Protection Agency
Office of Federal Activities, NEPA Compliance Division
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Phone: 202-564-5936

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 11/21/2017 4:38:57 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]
Subject: 2nd Draft Survey Report
Attachments: Draft NEPA Survey Report 2017 JAR edits 11_21.docx

Ex. 5 Deliberative Process (DP)

We do need to read through it and check for grammar and whatnot.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Roemele, Julie [Roemele.Julie@epa.gov]
Sent: 11/21/2017 1:49:32 PM
To: Barnhart, Megan [barnhart.megan@epa.gov]; Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: Draft Report
Attachments: Draft NEPA Survey Report 2017 JAR edits.docx

Attached is the Draft report!

Ex. 5 Deliberative Process (DP)

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/22/2018 11:33:48 AM
To: Knight, Kelly [knight.kelly@epa.gov]
Subject: Draft 309 Rating System Memo
Attachments: Draft Memo 309 Rating System 3-22-18.docx

Kelly,

This version incorporates changes from the Regions per our discussion this morning.

Thank you, Aimee

Aimee Hessert
NEPA Compliance Division
202-564-0993

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/21/2018 2:00:39 PM
To: Knight, Kelly [knight.kelly@epa.gov]
Subject: new draft
Attachments: Draft Memo 309 Rating System 3-21-18(2).docx

I will give you a call. Thanks!

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/20/2018 5:53:46 PM
To: Knight, Kelly [knight.kelly@epa.gov]
Subject: Draft for Review: EPA's Section 309 Rating System
Attachments: Draft Memo 309 Rating System 3-19-18(2).docx

Kelly,

Ex. 5 Deliberative Process (DP)

Please let me know if you have comments or would like me to make changes. Thank you for working with me on the direction for the draft.

Thank you, Aimee

Aimee Hessert
NEPA Compliance Division
202-564-0993

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/20/2018 4:32:41 PM
To: Trice, Jessica [Trice.Jessica@epa.gov]
Subject: Draft for review
Attachments: Draft Memo 309 Rating System 3-19-18.docx

Thank you Jess!

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/7/2018 3:27:36 PM
To: Knight, Kelly [knight.kelly@epa.gov]
CC: Roemele, Julie [Roemele.Julie@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]
Subject: All Rating Comments By Theme
Attachments: All Ratings Comments By Theme.docx

Kelly,

Ex. 5 Deliberative Process (DP)

Thank you, Aimee

Aimee Hessert
NEPA Compliance Division
202-564-0993

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/1/2018 8:44:45 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: working
Attachments: Ratings Memo.docx; Negative Comments Report Language.docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 5/31/2018 2:15:53 AM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: tomorrow
Attachments: Survey Report 5_29_18.docx; Appendix - Commenters Issues and Recommendations 5-30.docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/15/2018 4:56:12 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: working
Attachments: Ratings Memo.docx; DRAFT - nepa_policies_procedures DRAFT 8.1.16.doc

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 7/3/2018 7:22:40 PM
To: Knight, Kelly [knight.kelly@epa.gov]
Subject: First Draft: EPA NEPA-309 Program Review
Attachments: EPA NEPA-309 Program Review.docx; EPA Role In The NEPA Process.pptx

Hi Kelly,

First draft for your review.

Ex. 5 Deliberative Process (DP)

Thanks, Aimee

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 8/2/2018 4:22:19 PM
To: Schaedle, Candi [Schaedle.Candi@epa.gov]; Roemele, Julie [Roemele.Julie@epa.gov]
Subject: RE: Final Survey Report and Appendix
Attachments: Survey Report (Final) 8_2_18-ASH.docx; Survey Report Appendix (Final) 8_2_18 (ASH).docx

Hi Julie and Candi,

A few small edits to the report and appendix.

Ex. 5 Deliberative Process (DP)

Thanks! Aimee

From: Schaedle, Candi
Sent: Thursday, August 02, 2018 11:52 AM
To: Roemele, Julie <Roemele.Julie@epa.gov>; Hessert, Aimee <Hessert.Aimee@epa.gov>
Subject: RE: Final Survey Report and Appendix

Sorry – **Ex. 5 Deliberative Process (DP)**
Please let me know if you have any other corrections.

From: Roemele, Julie
Sent: Thursday, August 02, 2018 9:01 AM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: RE: Final Survey Report and Appendix

Kelly,

It came to my attention that a few sections need to be looked over again.

Hoping to send you another version COB today.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Knight, Kelly
Sent: Thursday, August 02, 2018 8:22 AM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: RE: Final Survey Report and Appendix

Thanks to all. I appreciate your hard work and dedication.

Am I good to send this out to the regional managers?

From: Roemele, Julie
Sent: Tuesday, July 31, 2018 12:08 PM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Hessert, Aimee <Hessert.Aimee@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: Final Survey Report and Appendix

Kelly,

After many months of hard work and dedication, I present the Final Survey Report and Appendix.

I want to thank you for your patience and understanding.

Big kudos to Aimee and Megan for their amazing work and a big thank you for Candi for formatting the report.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 8/1/2018 10:59:30 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: drafts
Attachments: Draft Memo 309 Rating System 3-21-18(3)(2).docx; 2018-03-21_R9_CD__Draft Memo 309 Rating System 3-21-18(3) R-5 (R-4) (R-9)(1).docx; Draft Memo 309 Rating System 3-21-18(3) ps.docx; Draft Memo 309 Rating System 3-21-18(3) R-5 (R-4)comments.docx; Draft Memo 309 Rating System 3-21-18(3) R-5 comments(1).docx; Draft Memo 309 Rating System 3-21-18(3)Region2.docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 5/1/2018 7:27:24 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: working
Attachments: Survey Report - Issues Recommendations.docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 7/31/2018 3:46:42 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]
Subject: Thanks Julie! This version makes the additional changes.
Attachments: Survey Report Appendix 7_30_18 (ASH2).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 7/31/2018 3:34:53 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]
Subject: changes
Attachments: Survey Report Appendix 7_30_18 (ASH).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 5/10/2018 7:23:35 PM
To: Barnhart, Megan [Barnhart.Megan@epa.gov]
Subject: FW: NEPA/309 Survey – Follow-Up Based on Agency Recommendations and Issues Identified
Attachments: Appendix - Commenters Issues and Recommendations.docx; Survey Talking Points - Commenters Issues and Recommendations .docx

Hi Megan,

Ex. 5 Deliberative Process (DP)

Thanks! Aimee

-----Original Message-----

From: Hessert, Aimee
Sent: Wednesday, May 09, 2018 9:54 AM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Subject: FW: NEPA/309 Survey - Follow-Up Based on Agency Recommendations and Issues Identified

—

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 5/10/2018 2:19:43 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: report
Attachments: Survey Report - Issues Recommendations 5-10.docx; Appendix - Commenters Issues and Recommendations(shortened).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 2/8/2018 8:41:07 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: More Progress
Attachments: Negative Comments List and Quotes Sorted2.docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 7/31/2018 3:15:10 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]
Subject: RE: Survey Report and Appendix
Attachments: Survey Report 7_30_18(ASH).docx

Hi Julie,

Here are my proposed changes to the survey report. I talked to Candi, and she understand the reason for the change to the recommendations section. I am looking over the appendix now.

Thanks!

From: Roemele, Julie
Sent: Tuesday, July 31, 2018 9:30 AM
To: Hessert, Aimee <Hessert.Aimee@epa.gov>
Subject: FW: Survey Report and Appendix

Aimee,

Please give this a quick look over. I want to send to Kelly today or tomorrow.

Julie A. Roemele
Environmental Protection Agency
Office of Federal Activities
NEPA Compliance Division
202-564-5632

From: Schaedle, Candi
Sent: Monday, July 30, 2018 6:47 PM
To: Roemele, Julie <Roemele.Julie@epa.gov>
Subject: Survey Report and Appendix

For your review is the Survey Report and Appendix.

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 6/7/2018 6:49:25 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]
CC: Barnhart, Megan [Barnhart.Megan@epa.gov]
Subject: To INSERT - Updated Ratings Appendix
Attachments: TO INSERT - Ratings Appendix.docx

Minor Changes to this one

Ex. 5 Deliberative Process (DP)

Thanks, Aimee

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 6/7/2018 1:52:57 AM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: for tomorrow
Attachments: Appendix - Commenters Issues and Recommendations 6_6_2018(ASH).docx; Survey ES 6 1 Review of Report 5_29_18 (ASH).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 3/8/2018 8:38:12 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: a little more . . .
Attachments: working 3-8 Negative Comments List and Quotes Sorted2(3) (002).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 1/25/2018 11:11:13 AM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: regional breakdown
Attachments: Regional Break-down - Negative Comments List and Quotes (1).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 12/13/2017 11:17:55 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: Updates to Ratings Section
Attachments: All Ratings Comments By Theme(1).docx; Draft ESMOD NEPA Survey Report 2017 11_22 (12-13).docx

Message

From: Hessert, Aimee [Hessert.Aimee@epa.gov]
Sent: 6/6/2018 3:48:05 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]
CC: Barnhart, Megan [barnhart.megan@epa.gov]
Subject: FW: UPDATED APENDIX- Commenters Issues and Recommendations 6-6-18
Attachments: Appendix - Commenters Issues and Recommendations 6_6_2018(ASH).docx

Sorry - here is the attachment.

Thanks!

From: Hessert, Aimee
Sent: Wednesday, June 6, 2018 11:46 AM
To: Roemele, Julie
Cc: Barnhart, Megan
Subject: UPDATED APENDIX- Commenters Issues and Recommendations 6-6-18

Julie,

Attached is the updated appendix in the table format.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you! Aimee

Aimee Hessert
NEAP Compliance Division
202-564-0993

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 11/8/2017 6:19:26 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Trice, Jessica [Trice.Jessica@epa.gov]
Subject: First Draft - Ratings Section for Report
Attachments: Survey Report - Ratings Section.docx; All Ratings Comments By Theme.docx

Ex. 5 Deliberative Process (DP)

Thanks, Aimee

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 4/26/2018 7:43:11 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: working appendix and talking points
Attachments: working 4-26 Negative Comments List and Quotes Sorted2(3) (4-3) (002).docx; Survey talking points.docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 5/31/2018 7:42:05 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: next
Attachments: Appendix - Commenters Issues and Recommendations 5_30_2018(ASH).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 4/24/2018 7:47:18 PM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: tomorrow report
Attachments: working 3-8 Negative Comments List and Quotes Sorted2(3) (4-3).docx

Message

From: Hessert, Aimee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FFCE5F05BB449BAAE43F876D34E63FC-AHESSERT]
Sent: 1/18/2018 1:29:59 AM
To: Hessert, Aimee [Hessert.Aimee@epa.gov]
Subject: more
Attachments: Negative Comments List and Quotes .docx

Message

From: Hessert, Aimee [Hessert.Aimee@epa.gov]
Sent: 11/15/2017 2:42:20 PM
To: Knight, Kelly [knight.kelly@epa.gov]
Subject: My Edits: Summary slides
Attachments: OBSERVATIONS RE survey responses on ratings (ASH).docx; Survey Report - Ratings Section(1).docx

Kelly,

Attached are my edits to the document from Region 9.

Ex. 5 Deliberative Process (DP)

Thanks, Aimee

From: Knight, Kelly
Sent: Tuesday, November 14, 2017 3:42 PM
To: Hessert, Aimee
Subject: FW: Summary slides

From: Strobel, Philip
Sent: Tuesday, November 14, 2017 12:02 PM
To: Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Westlake, Kenneth <westlake.kenneth@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Timmermann, Timothy <Timmermann.Timothy@epa.gov>; Walsh-Rogalski, William <Walshrogalski.William@epa.gov>; Musumeci, Grace <Musumeci.Grace@epa.gov>; Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Forren, John <Forren.John@epa.gov>; Houston, Robert <Houston.Robert@epa.gov>; Tapp, Joshua <Tapp.Joshua@epa.gov>; Schuller, Jennifer <Schuller.Jennifer@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>
Cc: Rountree, Marthea <Rountree.Marthea@epa.gov>
Subject: RE: Summary slides

Ex. 5 Deliberative Process (DP)

suggested edits attached.

Philip S. Strobel
Director, NEPA Compliance and Review Program
US EPA - Region 8 (EPR-N)
1595 Wynkoop St., Denver, CO 80202
303-312-6704

From: Goforth, Kathleen
Sent: Monday, November 13, 2017 1:03 PM
To: Militscher, Chris <Militscher.Chris@epa.gov>; Westlake, Kenneth <westlake.kenneth@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Timmermann, Timothy <Timmermann.Timothy@epa.gov>; Walsh-Rogalski, William <Walshrogalski.William@epa.gov>; Musumeci, Grace <Musumeci.Grace@epa.gov>; Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Forren, John <Forren.John@epa.gov>; Houston, Robert <Houston.Robert@epa.gov>; Tapp, Joshua <Tapp.Joshua@epa.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Schuller, Jennifer <Schuller.Jennifer@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>
Cc: Rountree, Marthea <Rountree.Marthea@epa.gov>
Subject: RE: Summary slides

Kelly -

Ex. 5 Deliberative Process (DP)

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-Kathy

Kathleen Martyn Goforth, Manager
Environmental Review Section (ENF-4-2)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3521

From: Militscher, Chris
Sent: Monday, November 13, 2017 10:01 AM
To: Westlake, Kenneth <westlake.kenneth@epa.gov<mailto:westlake.kenneth@epa.gov>>; Knight, Kelly <knight.kelly@epa.gov<mailto:knight.kelly@epa.gov>>; Timmermann, Timothy <Timmermann.Timothy@epa.gov<mailto:Timmermann.Timothy@epa.gov>>; Walsh-Rogalski, William <Walshrogalski.William@epa.gov<mailto:Walshrogalski.William@epa.gov>>; Musumeci, Grace <Musumeci.Grace@epa.gov<mailto:Musumeci.Grace@epa.gov>>; Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov<mailto:Mitchell.Judy-Ann@epa.gov>>; Lapp, Jeffrey <lapp.jeffrey@epa.gov<mailto:lapp.jeffrey@epa.gov>>; Forren, John <Forren.John@epa.gov<mailto:Forren.John@epa.gov>>; Houston, Robert <Houston.Robert@epa.gov<mailto:Houston.Robert@epa.gov>>; Tapp, Joshua <Tapp.Joshua@epa.gov<mailto:Tapp.Joshua@epa.gov>>; Strobel, Philip <Strobel.Philip@epa.gov<mailto:Strobel.Philip@epa.gov>>; Schuller, Jennifer <Schuller.Jennifer@epa.gov<mailto:Schuller.Jennifer@epa.gov>>; Goforth, Kathleen <Goforth.Kathleen@epa.gov<mailto:Goforth.Kathleen@epa.gov>>; Dunning, Connell <Dunning.Connell@epa.gov<mailto:Dunning.Connell@epa.gov>>; Moutoux, Nicole <Moutoux.Nicole@epa.gov<mailto:Moutoux.Nicole@epa.gov>>; Nogi, Jill <nogi.jill@epa.gov<mailto:nogi.jill@epa.gov>>
Cc: Rountree, Marthea <Rountree.Marthea@epa.gov<mailto:Rountree.Marthea@epa.gov>>
Subject: RE: Summary slides

Kelly: **Ex. 5 Deliberative Process (DP)** Thanks.

From: Westlake, Kenneth
Sent: Monday, November 13, 2017 11:48 AM
To: Knight, Kelly <knight.kelly@epa.gov<mailto:knight.kelly@epa.gov>>; Timmermann, Timothy <Timmermann.Timothy@epa.gov<mailto:Timmermann.Timothy@epa.gov>>; Walsh-Rogalski, William <Walshrogalski.William@epa.gov<mailto:Walshrogalski.William@epa.gov>>; Musumeci, Grace <Musumeci.Grace@epa.gov<mailto:Musumeci.Grace@epa.gov>>; Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov<mailto:Mitchell.Judy-Ann@epa.gov>>; Lapp, Jeffrey <lapp.jeffrey@epa.gov<mailto:lapp.jeffrey@epa.gov>>; Forren, John <Forren.John@epa.gov<mailto:Forren.John@epa.gov>>; Militscher, Chris <Militscher.Chris@epa.gov<mailto:Militscher.Chris@epa.gov>>; Houston, Robert <Houston.Robert@epa.gov<mailto:Houston.Robert@epa.gov>>; Tapp, Joshua <Tapp.Joshua@epa.gov<mailto:Tapp.Joshua@epa.gov>>; Strobel, Philip <Strobel.Philip@epa.gov<mailto:Strobel.Philip@epa.gov>>; Schuller, Jennifer <Schuller.Jennifer@epa.gov<mailto:Schuller.Jennifer@epa.gov>>; Goforth, Kathleen <Goforth.Kathleen@epa.gov<mailto:Goforth.Kathleen@epa.gov>>; Dunning, Connell <Dunning.Connell@epa.gov<mailto:Dunning.Connell@epa.gov>>; Moutoux, Nicole <Moutoux.Nicole@epa.gov<mailto:Moutoux.Nicole@epa.gov>>; Nogi, Jill <nogi.jill@epa.gov<mailto:nogi.jill@epa.gov>>
Cc: Rountree, Marthea <Rountree.Marthea@epa.gov<mailto:Rountree.Marthea@epa.gov>>
Subject: RE: Summary slides

Kelly,

Ex. 5 Deliberative Process (DP)

Ken

From: Knight, Kelly
Sent: Monday, November 13, 2017 8:57 AM
To: Timmermann, Timothy <Timmermann.Timothy@epa.gov<mailto:Timmermann.Timothy@epa.gov>>; Walsh-Rogalski, William <Walshrogalski.William@epa.gov<mailto:Walshrogalski.William@epa.gov>>; Musumeci, Grace <Musumeci.Grace@epa.gov<mailto:Musumeci.Grace@epa.gov>>; Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov<mailto:Mitchell.Judy-Ann@epa.gov>>; Lapp, Jeffrey

<lapp.jeffrey@epa.gov<mailto:lapp.jeffrey@epa.gov>>; Forren, John
<Forren.John@epa.gov<mailto:Forren.John@epa.gov>>; Militscher, Chris
<Militscher.Chris@epa.gov<mailto:Militscher.Chris@epa.gov>>; Westlake, Kenneth
<westlake.kenneth@epa.gov<mailto:westlake.kenneth@epa.gov>>; Houston, Robert
<Houston.Robert@epa.gov<mailto:Houston.Robert@epa.gov>>; Tapp, Joshua
<Tapp.Joshua@epa.gov<mailto:Tapp.Joshua@epa.gov>>; Strobel, Philip
<Strobel.Philip@epa.gov<mailto:Strobel.Philip@epa.gov>>; Schuller, Jennifer
<Schuller.Jennifer@epa.gov<mailto:Schuller.Jennifer@epa.gov>>; Goforth, Kathleen
<Goforth.Kathleen@epa.gov<mailto:Goforth.Kathleen@epa.gov>>; Dunning, Connell
<Dunning.Connell@epa.gov<mailto:Dunning.Connell@epa.gov>>; Moutoux, Nicole
<Moutoux.Nicole@epa.gov<mailto:Moutoux.Nicole@epa.gov>>; Nogi, Jill
<nogi.jill@epa.gov<mailto:nogi.jill@epa.gov>>
Cc: Rountree, Marthea <Rountree.Marthea@epa.gov<mailto:Rountree.Marthea@epa.gov>>
Subject: Summary slides

All,

Ex. 5 Deliberative Process (DP)

Let me know if my summary is

Thanks

Kelly Knight
Director, NEPA Compliance Division
Environmental Protection Agency
202-564-2141 (office)
Ex. 6 Personal Privacy (PP) (cell)

Message

From: Knight, Kelly [knight.kelly@epa.gov]
Sent: 10/22/2018 3:43:29 PM
To: Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]
Subject: FW: Latest draft of memo - with OGC edits
Attachments: FOR REVIEW 10212018 Draft Memo 309 Rating System (002).docx

FYSA

From: Knight, Kelly
Sent: Monday, October 22, 2018 11:24 AM
To: Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>
Subject: RE: Latest draft of memo - with OGC edits

Brittany/Drew,

Ex. 5 Deliberative Process (DP)

R,
Kelly

From: Feeley, Drew (Robert)
Sent: Monday, October 22, 2018 11:11 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Knight, Kelly <knight.kelly@epa.gov>
Subject: RE: Latest draft of memo - with OGC edits

Ex. 5 Deliberative Process (DP)

From: Bolen, Brittany
Sent: Monday, October 22, 2018 10:24 AM
To: Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Knight, Kelly <knight.kelly@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>
Subject: Latest draft of memo - with OGC edits

Good Morning,

Ex. 5 Deliberative Process (DP)

Brittany

Brittany Bolen
Associate Administrator, Office of Policy
U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 10/21/2018 4:42:06 PM
To: Hoppe, Allison [hoppe.allison@epa.gov]
Subject: draft & clean memo
Attachments: EDIT 10212018 Draft Memo 309 Rating System.docx; CLEAN EDIT 10212018 Draft Memo 309 Rating System.docx

Please find attached. Please let me know what you/Tom (if he's going to review) think. Happy to discuss on the phone if that will help. I will not send this on until we've had a chance to discuss.

Message

From: Kime, Robin [Kime.Robin@epa.gov]
Sent: 12/18/2018 8:30:04 PM
To: Hoppe, Allison [hoppe.allison@epa.gov]
CC: Tomiak, Robert [tomiak.robert@epa.gov]
Subject: FW: FOR REVIEW: Control for OP: AX-19-000-1501 (Draft response)
Attachments: Draft - Reponse to EPN Ratings Comment Letter 12-10-18v3.docx; AX-19-000-1014.pdf

Hi-

Brittany is in the office tomorrow then out for a bit, if it is possible to get a signature-ready version of a response, that would be very much appreciated. Either way, take care.

From: Tomiak, Robert
Sent: Friday, December 14, 2018 11:26 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Subject: FW: FOR REVIEW: Control for OP: AX-19-000-1501 (Draft response)

Original letter and latest draft (with Allison – OGC for review) response.

Rob

From: Dawson, Shelly
Sent: Tuesday, December 11, 2018 3:56 PM
To: Hoppe, Allison <hoppe.allison@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>
Subject: FOR REVIEW: Control for OP: AX-19-000-1501 (Draft response)

Good afternoon Allison,

Here is the letter, to Michelle Roos, Rob mentioned to you - it incorporates Robin Kime's edits.

Please take a quick look at it...

Attachment: Edited draft letter to Michelle Roos

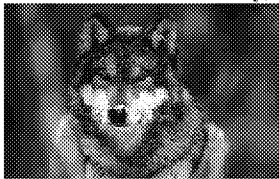
Thank you kindly
Shelly

Shelly D. Dawson
Program Specialist
EPA - Office of Policy
Office of Federal Activities
Rob Tomiak, Office Director

Room: 7213D WJC South - 2251A
Phone: (202) 564-2633

Fax: (202) 564-0070

e-Mail: dawson.shelly@epa.gov



November 2, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

EXECUTIVE SECRETARIAT

OFFICE OF THE

2018 NOV 26 PM 12:33

RECEIVED

RE: Changes to EPA's Environmental Review Rating Process, Memorandum issued by
Brittany Bolen, Associate Administrator, October 22, 2018

The Environmental Protection Network (EPN)¹ and Save EPA² are pleased to submit the following letter to express concerns for your consideration on the U.S. Environmental Protection Agency's (EPA) implementation of its review responsibilities under Clean Air Act Section 309 and the National Environmental Policy Act of 1969 (NEPA).

Specifically, we are addressing the changes announced in a memorandum from Associate Administrator Brittany Bolen, dated October 22, 2018, which states that EPA will no longer assign a letter and numerical rating in its comments on reviews conducted by other agencies. We strongly urge that the rating system be continued until EPA has sought public review and comment on both the existing guidance and proposed alternative language which would be used to signal EPA's concerns in its comment letters. EPA's action now leaves a gap which will create confusion and inconsistency, the very things the action sought to avoid.

EPA has played an important role in the implementation of NEPA, providing independent review of both the adequacy of the analysis of impacts and the seriousness of the environmental impacts along with the adequacy of consideration of environmental impact including both the range and substance of alternatives and mitigation. EPA's unique independent review role is mandated in the law and carried out through the preparation of publicly available comment letters. We certainly support efforts to make the environmental review and permitting processes more efficient and effective in advancing the harmony between the human and natural environment that NEPA seeks to achieve.

¹ EPN is an organization comprised of over 350 EPA alumni volunteering their time to protect the integrity of EPA, human health and the environment. EPN harnesses the expertise of former EPA career staff and confirmation-level appointees to provide an informed and rigorous defense against current efforts to undermine the protection of public health and the environment.

² Save EPA is an all-volunteer organization made up of retired and former employees of the EPA. Its members have expertise in environmental science, law, economics and policy. It is based in Colorado and has members across the country, using their collective expertise to educate and advocate for public health and environmental protection.

The Memorandum of October 22 lays out the following arguments for eliminating the longstanding use of a rating system in EPA comment letters that has been in place since 1984:

1. Federal agencies have greater sophistication now, have improved the quality of draft EISs and find the actual comments more helpful than the ratings.
2. Comment letter wording itself on a proposal that may involve unsatisfactory environmental impacts can be used in the rare instances EPA needs to signal a potential referral to CEQ as well as other terms to convey what has been conveyed in lesser ratings.
3. Elimination of the ratings will, as asserted:
 - 3.1. not lessen environmental protections
 - 3.2. help to focus attention on resolving issues
 - 3.3. address perceptions that ratings are not consistently applied across the agency, and minimize confusion on the part of federal agencies and the public.

We would be interested in seeing the administrative record that supports these assertions. Additionally, we recommend that this record be made public in concert with any proposed alternative approach to clarifying EPA's concerns in comment letters absent a rating.

4. Early engagement is more important than the ratings.

For your consideration:

- (1) **Ratings are not a substitute for comments; they are designed to complement them**
Ratings have been an effective tool in garnering the attention of senior officials to help resolve issues quickly and thoroughly. While it is not surprising that federal agency officials found actual comments more helpful than the ratings, it is not the purpose of the ratings to substitute for comments. Rather, it is to alert officials as to the level of concern of EPA as both a warning and impetus for fixing the problems and gaps identified in the comments.
- (2) **The absence of immediate, contemporaneous guidance for specific language to be used in lieu of ratings leaves a gap that will create confusion and inconsistency**
Any EPA substitution of specific wording in its comment letter for the 1984 ratings scheme makes it imperative that EPA provide contemporaneous guidance on what that wording is and means or it risks even more of the problems of inconsistency and/or confusion that EPA is purportedly concerned about. Instead it stops use of the rating scheme and directs OFA to develop guidance and training. This will leave an important gap subject to confusion and inconsistency. We also expect that EPA will continue to express concerns about the adequacy of the assessment, as it has historically done. Without adequate information it is hard to determine what the environmental impacts will be and the adequacy of mitigation for those impacts.

(3) **Prior to elimination of the rating scheme, EPA should provide opportunity for review and comment**

Although the EPA rating system was not embodied either in statute or regulation, it was mandated by longstanding EPA guidance for over thirty years. As such, it is something that other federal agencies, levels of government, and the public have come to rely upon. We believe that in the interest of transparency, and avoidance of inadvertent negative impact that the removal of the rating system as well as proposed alternative language for signaling EPA's overall intent and judgement in regard to a proposed action be given an opportunity for public review and comment. It has been customary under Administrative practice that significant modifications to guidance be informed by public review and comment. Moreover, we believe that by mandating EPA comments available to the public via the Clean Air Act Section 309, Congress clearly expressed its intent to describe a public interest in the manner in which EPA characterizes its comments. Changing long standing guidance by Memorandum without public notice and comment is contrary to the principles of good government.

(4) **The interplay between review responsibilities of EPA between the Clean Air Act Section 309 and NEPA appears to be mischaracterized**

The introductory paragraphs recognize that EPA's review mandate under the Clean Air Act section 309 is broader than the review role provided to EPA under NEPA and CEQ implementing regulations. However it seems to suggest that this role is limited to commenting on all federal EIS documents. This is not our understanding of the scope of EPA's authority and mandate, which would also include the full range of impacts and, at EPA's discretion, any proposed federal agency action that warrants review, including those that were categorized as warranting only an Environmental Assessment or categorical exclusion.³

(5) **The unique value of ratings to garner high level attention to address problems and secure consistency should not be overlooked**

Adverse ratings of a draft EIS have often been a very effective tool in getting an agency's attention to an inadequate EIS or an environmentally unacceptable project. Adverse ratings have fostered effective agency response and improved examination of the environmental impacts of a project and in many cases resulted in additional measures being taken to mitigate those effects. Adverse ratings uniquely get the attention of upper management in agencies. It was a tool that EPA used very judiciously but in those rare instances it sent a powerful message. Furthermore, discussion within EPA between headquarters and regions over ratings helps provide national consistency in ratings and comments.

There is a suggestion that providing a rating impedes cooperation and early engagement. Our experience is the opposite. Agencies have wanted to cooperate early to address EPA's concerns and avoid bad ratings later on.

³ See https://www.energy.gov/sites/prod/files/G-EPA-309_caa_nepa.pdf

There also is a public interest in both EPA comments and ratings. Ratings provide a very useful tool for the public because a rating is a simple, short hand signal of how EPA view the project's impacts and the adequacy of the EIS.

Ultimately the goal of the process is to improve Federal Agency decision making and ensure it has the benefit of independent EPA Review and Comment. It will always be a challenge for EPA to craft a good, compelling and articulate comment letter well supported by science, within the timeframes of the public comment period. This policy change deserves further input and consideration before changing years of practice. An emphasis on early engagement by EPA with proposed actions of other federal agencies is important but with the reduction in EPA resources for this purpose it is doubtful that it can be accomplished.

We strongly urge that the October 22 policy change: a) be put on hold until it can be thoroughly vetted through public review and comment with a full explanation of EPA's basis for the conclusions contained in the October 22 memorandum, and b) be accompanied by a discussion of any alternative means that EPA is considering for clearly conveying the intention of EPA comments on both environmental impact and adequacy of analysis when issued and open for comment.

Thank you for your consideration.

Respectfully submitted,



Michelle Roos

Executive Director

Environmental Protection Network

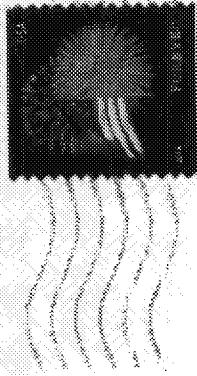
michelle.roos@environmentalprotectionnetwork.org

www.environmentalprotectionnetwork.org

(202) 656-6229

cc: Cheryl Wasserman, Lead, EPN NEPA and Infrastructure Team
Carol Campbell, Co-Director, Save EPA, saveepa@gmail.com, 720-281-2677

Env Protection Network
PO Box 42022
Washington DC 20015



NEW YORK NY 100

17 NOV 2018 PM 4 L

The Honorable Andrew Wheeler
Acting Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460

NOV 21 2018

20460--



Message

From: Marshall, Tom [marshall.tom@epa.gov]
Sent: 10/19/2018 9:44:13 PM
To: Hoppe, Allison [hoppe.allison@epa.gov]
Subject: Re: NEPA 309 Ratings Memo

Ex. 5 Deliberative Process (DP)

call. Great weekend.

From: Hoppe, Allison
Sent: Friday, October 19, 2018 3:58 PM
To: Schwab, Justin; Marshall, Tom
Cc: Koslow, Karin
Subject: NEPA 309 Ratings Memo

Justin,

I've attached a version of the memo with my and Tom's comments. I'll also bring a printed copy for you to the meeting.

Thanks,

Allison Hoppe
Attorney Advisor
American Indian & Alaska Native Special Emphasis Program Manager
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1912

I am a proud member of the LGBTQ+ community AND an EPA Ally. [Learn more and take the pledge here.](#)

Pronouns: She/Her/Hers

Message

From: Marshall, Tom [marshall.tom@epa.gov]
Sent: 10/19/2018 6:52:29 PM
To: Hoppe, Allison [hoppe.allison@epa.gov]
Subject: My quick thoughts. . . Re: NEPA/309 Ratings Draft Memo
Attachments: Draft Memo 309 Rating System_AH edit_tm.docx

Ex. 5 Deliberative Process (DP)

From: Hoppe, Allison
Sent: Friday, October 19, 2018 2:30 PM
To: Koslow, Karin; Marshall, Tom
Subject: NEPA/309 Ratings Draft Memo

Karin and Tom,

Ex. 5 Deliberative Process (DP)

Thanks,

Allison Hoppe
Attorney Advisor
American Indian & Alaska Native Special Emphasis Program Manager
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1912

I am a proud member of the LGBTQ+ community AND an EPA Ally. [Learn more and take the pledge here.](#)

Pronouns: She/Her/Hers

Message

From: Knight, Kelly [knight.kelly@epa.gov]
Sent: 7/13/2018 1:12:49 PM
To: Westlake, Kenneth [westlake.kenneth@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]
Subject: quick review
Attachments: Draft Memo 309 Rating System 13 July 2018.docx

Good Morning –

Ex. 5 Deliberative Process (DP)

Thanks and I will completely understand if you can't get to it.

Kelly Knight
Director, NEPA Compliance Division
Environmental Protection Agency
202-564-2141 (office)

Ex. 6 Personal Privacy (PP) (cell)

Message

From: Tomiak, Robert [tomiak.robert@epa.gov]
Sent: 1/9/2018 1:28:32 PM
To: Hoppe, Allison [hoppe.allison@epa.gov]
CC: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]
Subject: FW: NEPA
Attachments: final letter guidance.pdf

Flag: Follow up

Ex. 5 Deliberative Process (DP)

Thanks, Rob

From: Tomiak, Robert
Sent: Friday, January 05, 2018 9:42 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Patrick Traylor (traylor.patrick@epa.gov) <traylor.patrick@epa.gov>; Starfield, Lawrence (Starfield.Lawrence@epa.gov) <Starfield.Lawrence@epa.gov>
Subject: RE: NEPA

Susan,

Ex. 5 Deliberative Process (DP)

V/R, Rob

Ex. 5 Deliberative Process (DP)

From: Tomiak, Robert
Sent: Wednesday, January 03, 2018 1:29 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Patrick Traylor (traylor.patrick@epa.gov) <traylor.patrick@epa.gov>; Starfield, Lawrence
(Starfield.Lawrence@epa.gov) <Starfield.Lawrence@epa.gov>
Subject: RE: NEPA

Susan,

Ex. 5 Deliberative Process (DP)

V/R, Rob

From: Tomiak, Robert
Sent: Thursday, December 21, 2017 3:32 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Patrick Traylor (traylor.patrick@epa.gov) <traylor.patrick@epa.gov>; Starfield, Lawrence (Starfield.Lawrence@epa.gov) <Starfield.Lawrence@epa.gov>
Subject: LRM: NEPA

Susan,

Ex. 5 Deliberative Process (DP)

V/R, Rob

From: Tomiak, Robert
Sent: Monday, December 18, 2017 11:54 AM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Darwin, Henry <darwin.henry@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: LRM

Byron,

Ex. 5 Deliberative Process (DP)

V/R, Rob

From: Dravis, Samantha

Sent: Thursday, December 14, 2017 3:40 PM

To: Tomiak, Robert <tomiak.robert@epa.gov>

Cc: Darwin, Henry <darwin.henry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>

Subject: Re: NEC/CEQ-Agency Work Plan--Deadline COB--Draft Final--Friday Dec. 18th--

Thanks for your leadership on this Rob/Byron.

Sent from my iPhone

On Dec 14, 2017, at 2:32 PM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We could discuss in further detail if that would be helpful.

V/R, Rob

-----Original Message-----

From: Darwin, Henry

Sent: Tuesday, December 12, 2017 10:22 AM

To: Tomiak, Robert <tomiak.robert@epa.gov>

Subject: FW: NEC/CEQ-Agency Work Plan--Deadline COB--Draft Final--Friday Dec. 18th--

Would be very interested in your feedback on this.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks

Henry

-----Original Message-----

From: Herrgott, Alex H. EOP/CEQ [<mailto:Alexander.H.Herrgott@ceq.eop.gov>]

Sent: Monday, December 11, 2017 6:15 PM

To: robyn.s.colosimo.civ@mail.mil; james_cason@ios.doi.gov; Gulac, Catherine

<catherine_gulac@ios.doi.gov>; Fountain, Matt - RD, Washington, DC

<Matthew.Fountain@osec.usda.gov>; rebeckah.adcock@osec.usda.gov; Burtthey, Grover (OST)

<grover.burtthey@dot.gov>; Solomon, Gerald (OST) <Gerald.Solomon@dot.gov>; Uthmeier, James

(Federal) <JUthmeier@doc.gov>; Brandon.Wales@HQ.DHS.GOV; Brown, Byron

<brown.byron@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Anthony Pugliese

(Anthony.Pugliese@ferc.gov) <Anthony.Pugliese@ferc.gov>

Cc: Hobbie, David S. EOP/CEQ <David.S.Hobbie@ceq.eop.gov>; Rusnak, Allison B. EOP/WHO

<Allison.B.Rusnak@who.eop.gov>

Subject: NEC/CEQ-Agency Work Plan--Deadline COB--Draft Final--Friday Dec. 18th--

Teammates:

Ex. 5 Deliberative Process (DP)

Thanks in advance for your support and efforts and give me a call with any questions.

Alex

Ex. 6 Personal Privacy (PP)

Alexander Herrgott
Associate Director for Infrastructure
Council on Environmental Quality
202-395-5750

<EPA NEPA initiatives 14 Dec 2017.docx>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

August 23, 2017

MEMORANDUM

SUBJECT: Drafting of 309 Review Comment Letters

FROM: Robert Tomiak, Director
Office of Federal Activities

A handwritten signature in black ink, appearing to read "Robert Tomiak", written over a horizontal line.

TO: Clean Air Act Section 309 Review Coordinators

The purpose of this memorandum is to promote high-quality comment letters on environmental impact statements (EISs) and other documents prepared under the National Environmental Policy Act (NEPA). One of the EPA's 309 review goals is to foster more timely and informed decision-making, leading to improved projects through reduced environmental impacts. The EPA's 309 review letters should be written to our federal agency partners in a professional, constructive tone and offer comments and recommendations within the EPA's areas of subject matter expertise, as appropriate. The following concepts and principles, in concert with the "Policy and Procedures for the Review of Federal Actions Impacting the Environment" (309 Manual) and the EPA Correspondence Manual (Clear, Concise and Plain Writing), should guide the preparation of comment letters.

Generally, the EPA's comment letters should:

- Be clear, concise, and use plain language;
- Focus on the EPA's areas of jurisdiction and/or expertise;
- Address major issues first;
- Offer a specific solution for each comment, where feasible; and
- Refer or cite to specific guidance, methodologies, or peer-reviewed scientific studies that the EPA considers appropriate for performing any requested additional analyses determined to be critical to the decision-making process.

These elements are discussed in more detail as follows.

A. Structure/Format

- a. The preferred format for most letters is a short cover letter, and where appropriate, concise detailed comments may be provided on a referenced enclosure. Draft EIS comment letters containing a Lack of Objections (LO) rating and some final EIS comment letters may not require detailed comments.
- b. All draft and final EIS cover letters should reference the EPA's legal responsibilities under Section 309 of the Clean Air Act and NEPA, preferably in the lead paragraph. The rating on a draft EIS should be stated in a separate paragraph and not cited pursuant to the EPA's Section 309 responsibility. Sample language is attached.
- c. The draft EIS cover letter should refer to any previous EPA participation in scoping, pre-draft comment letters, etc., as appropriate. Noting this prior activity may serve to underscore the importance of issues that remain. However, lead reviewers should first contact the lead agency to understand why issues might remain unresolved. Both draft and final EIS cover letters should also acknowledge and thank the agency for addressing the EPA's concerns, where appropriate.
- d. The draft EIS cover letter should include a paragraph assigning a rating to the level of environmental impacts of the proposal and the adequacy of the EIS in accordance with the criteria established in the 309 Manual and the attached EIS Rating Criteria Checklist. This paragraph should define the rating and identify the specific concerns raised in the letter that were the basis for the rating. The discussion on the rating should be consistent with the rating definition language.
- e. While a final EIS comment letter does not assign a rating, the discussion on the EPA's remaining concerns should be reflected and consistent with the rating definition language. As a reminder, a non-public rating must be entered in the EIS database (if no comment letter was sent to the lead agency, use NC).
- f. Both draft and final EIS cover letters should provide an EPA contact and phone number.

B. General Technique and Style

- a. Open early communications by contacting the lead agency for the project and seeking any required clarification about the proposal to appropriately focus the EPA's scoping comments.
- b. The primary audience for the EPA comment letter is the lead agency. The review should be independent and internal to the EPA and other federal agencies.
- c. The letter's focus should be on the EPA's assessment of actual or potential project impacts, and practicable ways to reduce or avoid adverse impacts, based on the analyses in the EIS. In discussing project impacts, identify the connections to the EPA's expertise or jurisdiction.
- d. *Lead with the most compelling issue(s).* The comment letter should address major issues first, especially potential violations or inconsistencies with environmental standards. Importantly, it should evaluate the adequacy of the information presented in the EIS to support the conclusions regarding any potential significant impacts from the proposed project. For example:
 - i. The letter should explain the rationale for the EPA's concerns and recommendations and include the supporting details. The EPA letter should explain the standards, policies, scientific studies, etc., that form the basis for

the comments. The letter should suggest a reasonable, feasible solution where possible.

- ii. If additional analysis is recommended, the letter should clearly describe why the additional information is important to inform the decision.
- iii. If consideration of a new alternative is recommended, the letter should clearly explain why. This includes how the new alternative meets the agency's purpose and need, how it is reasonable and feasible, and how it provides an opportunity to reduce project impacts.
- iv. Ensure that highly technical comments are supported by the EPA regional or headquarters program offices with experience in relevant areas.
- v. The letter should offer details supporting recommendations for practicable mitigation to avoid, minimize, and compensate adverse impacts.
- e. The letter should identify any specific follow-up actions that the EPA has agreed to, including identifying appropriate contacts for follow-up actions.

Finally, attached for your use are four tools to assist in applying good practices for drafting 309 comment letters. Please note that these are stand-alone documents intended to inform the 309 review comment letter writing process. They will be revised as issues or concerns are identified, and shared accordingly.

Attachments:

- 1. Guiding Principles for 309 Review Comment Letters
- 2. Sample Language for 309 Review Comment Letters
- 3. 309 Review Comment Letter Checklist
- 4. EIS Rating Criteria Checklist

Guiding Principles for 309 Review Comment Letters

Lead Agency Interface

- Generally, engage in regular communications with the lead agency during scoping opportunities, administrative draft reviews, as a cooperating agency, and while reviewing the draft and final EISs.
- Understand the lead agency's mission and purpose for the project.
- Seek a practicable and reasonable balance between the EPA's mission and the lead agency's mission.
- Respect and support the lead agency's timeline where practicable.
- Undertake efforts to get to know your counterpart at the lead agency on a professional basis; other forms of communications, in addition to emails, is encouraged.
- For adverse ratings or controversial comments, communicate with the lead agency to ensure it is aware of the EPA's concerns prior to receipt of the EPA's comment letter.

Assistance/Added Value

- The EPA comments should add value, inform, offer expertise, and assist in federal decision-making.
- Submit scoping comments whenever the EPA anticipates issues based on regional knowledge or expertise, or is aware of recent information helpful to the lead agency (e.g., recent updates to water quality standards, new or recently revised regulations or guidance, updated best management practices (BMPs) or BMPs distinct to an area or sector).
- Identify potential or actual project impacts that could result in potential violations of environmental standards (such as water quality standards, RCRA land disposal prohibitions and air quality standards) and explain how the EPA came to this conclusion. Where appropriate or possible, suggest how the lead agency might address the issue(s) raised in EPA's comments. Also consider offering the assistance (as time and resources allow) of the EPA subject matter experts to work with the lead agency to develop appropriate measures to reduce or avoid the impacts of concern.
- Suggest other agencies' good practices and methodologies that may aid an agency's analysis.
- Recognize well developed components of the EIS and acknowledge changes that were made in response to the EPA's recommendations. If prior issues were resolved in meetings, calls, or other communication, briefly summarize that history.

EPA Authorities/Cooperating Agency/Associate Reviewers

- Focus comments on matters within the EPA's jurisdiction, expertise or authority. This allows the EPA to assist the federal agencies in meeting their objectives, minimizing environmental impacts, and complying with the laws and regulations administered by the EPA.
- Have the EPA regional or headquarters program offices serve as associate reviewers when projects have potential impacts regarding matters within the EPA's jurisdiction, expertise, or authority. In addition, the associate reviewers should be requested, as applicable, to: 1) assist at

the scoping stage; 2) determine the appropriate level of program office concurrence on comments submitted; and 3) provide input to the NEPA program regarding the rating for the proposed action, when warranted.

- Conduct an independent analysis of comments received from associate reviewers by reviewing relevant sections of the EIS to verify that statements and information are consistent with the content in the EIS.
- When the EPA serves as a cooperating agency, make every effort to resolve concerns regarding the EPA's jurisdictional matters prior to the issuance of the draft EIS. Unless the lead agency failed to adequately address the EPA concerns or new and significant information is provided in the draft EIS, such concerns should generally not be reiterated in comments on the draft EIS, except to acknowledge their resolution.

Environmental Impacts/Technical Basis/Mitigation

- Ensure that the EPA's recommendations are based on facts and sound science and are relevant to the project described in the EIS.
- Recommend additional evaluations, studies, surveys, or the application of different methodologies only when such activities would be expected to result in substantially improved analysis to assist the decision or when incorrect methodologies were used.
- Provide objective comments based on technical merit and refrain from advocating for a given stakeholder's cause. Where the EPA is addressing community concerns (e.g., regarding environmental justice or children's health), comments should be clear and reference relevant peer-reviewed scientific studies, federal publications, and/or executive orders, as appropriate.
- Suggest mitigation measures that are reasonable, technically feasible and effective. Recommended mitigation measures should consider context and the scale of the project.
- Unless the purpose and need is stated too broadly as to limit the formulation of a reasonable range of alternatives, or too narrow as to allow only one or an overly restrictive set of alternatives, the EPA should generally not focus its comments on the purpose and need.
- Focus comments on the broad, generic, conceptual issues for Tier 1 (programmatic) documents and not on design, project, or site-specific issues. Instead, comments on site-specific or project-level issues should be addressed in a Tier 2 or subsequent NEPA document.
- Focus comments on final EISs to major unresolved issues. The scope of the review should be limited to issues raised in the EPA's comments on the draft EIS that have not been resolved in the final EIS and any new, potentially significant impacts identified after publication of the draft EIS.

Rating Considerations

- Factor in mitigation measures committed to in the EIS when determining the rating.
- Use words which convey the level of concern with the proposed project (e.g., the EPA has concerns with ... or the EPA objects to ...) and match the language of concern to the EPA's alpha numeric rating criteria.

Writing Style

- Write in a professional, clear, concise, and organized manner. Keep sentences short and direct. The desirable tone should be: courteous, focused, and helpful. If you need to convey negative information, identify what is needed to correct a problem rather than focusing on what was done wrong. The EPA Correspondence Manual encourages the use of positive language and the avoidance of negative writing.
- Use clear communication (plain language) that the public can understand, keeping in mind that the primary audience for the EPA comment letter is the lead agency.
- Avoid commenting on minor grammatical errors or writing style. Do, however, provide feedback and constructive suggestions if it could result in clarifying information or identifying a major error or omission.
- Be concise if including a summary or background on the project.
- Separate primary and secondary concerns, leading with the most compelling issue in the comment letter. Ensure that the main point or conclusion is in the opening sentence.
- Use terms such as "finds," "determines," or "concludes" instead of "feels" or "believes."
- If time permits, have the draft letter (EIS or scoping) read by someone in the EPA office who is not very familiar with the project to assess whether the letter clearly conveys the changes to the project that appear to be warranted or issues the EPA believes should be addressed.

Sample Language for 309 Review Comment Letters

Example of the EPA's responsibilities under NEPA/Section 309

Example 1 – Draft EIS comment letter:

The U.S. Environmental Protection Agency has reviewed the draft environmental impact statement (EIS) for the ACME Resource Management Plan (CEQ No. 20170000) pursuant to Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA).

Example 2 – Final EIS comment letter:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Federal Energy Regulatory Commission's (FERC) Final Environmental Impact Statement (FEIS) for the ACME Pipeline Project (CEQ No. 20170000) (SPL-2015-0064-MWL).

Example 3 – Scoping letter:

The U.S. Environmental Protection Agency (EPA) has reviewed the Bureau of Land Management's (BLM) January 1, 2017, Notice of Intent (NOI) initiating the scoping process for BLM's mineral leasing and associated activities in the ACME Resource Management Planning Area. The EPA comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR §§ 1500-1508) and Section 309 of the Clean Air Act.

Highlight:

- The lead paragraph contains the EPA's authority statement.
- Include the CEQ number and, as appropriate, the regional identification number.
- The rating of the action is not cited as part of the 309 responsibility. It should be included in a separate paragraph (draft EISs only).

Example of summary of the project

Example 1 - Too much detail:

The project proposes to replace the current bridge that spans the ACME river. The city of ABC would reconfigure the bridge plan and propose to replace and widen the bridge. The new single bridge would be realigned slightly to the north of the existing structure and would be approximately two miles long. Widening the structure would expand the bridge from four lanes to six lanes in either direction. A pedestrian and bicycle lane would also be included adjacent to the 12 traffic lanes on the bridge.

Example 2 – Too much detail:

The project proponent's website describes the proposed ACME Pipeline as 1500-miles, 15-inch to 30-inch diameter pipeline crossing three states (A, B and C); transporting crude oil from the ABC oil fields in XYZ to a terminal site in state C. The segment of the project includes 958-miles of main pipeline and 542-miles of supply line. The proposal also includes five tank terminal sites and two to four booster and mainline pumps (Page 989 of 1026 of EIS, Appendix C).

Example 1 – Appropriate level of detail:

The project proposes a new bridge plan to replace the aging bridge that spans the ACME river with a wider bridge to safely accommodate pedestrian and bicycle traffic.

Example 2 – Appropriate level of detail:

The proposed ACME Pipeline will transport crude oil from XYZ to a terminal site in state C, crossing through three states (A, B and C). The USACE analyzed the 120 jurisdictional water crossings that required permission under the Clean Water Act and River and Harbors Act and the five crossings at USACE managed projects under 33 U.S.C. 408.

Highlight:

- Include just enough detail so that someone reading the letter at a later time has an overall idea of the main elements of the project.

Example of reference to other agencies involved

The DEIS is a joint federal/state document, prepared to meet the requirements of NEPA and the State Environmental Quality Act (SEQA). The Federal Transit Administration (FTA) is the lead agency for this document under NEPA and the State Transit is the lead agency under SEQA.

Example of reference to previous EPA comment letters

The EPA previously participated in scoping and public meetings held on September 8, 2012, and November 12, 2015, and provided scoping comments on November 26, 2015. In addition, the EPA provided comments on the draft EIS on March 23, 2016. The letter on the draft EIS identified a significant impact to the water quality associated with the preferred alternative.

The EPA provided comments to FERC on the draft EIS on May 17, 2016. The EPA rated the draft EIS as EC-2 (Environmental Concerns – Insufficient Information). The EPA also participated in reviewing the Memorandum of Understanding, listed in Appendix D, between FERC, the U.S. Army Corps of Engineers, the EPA, and the U.S. Fish and Wildlife Service.

Example of commendations

FHWA has addressed many of the EPA's primary issues in the draft EIS, and we want to thank FHWA for meeting with the EPA on May 10, 2014, to discuss our major concerns with the project. The EPA acknowledges that the final EIS better characterizes anticipated impacts to waters of the U.S. from the construction of the new bridge over the ACME estuary. The EPA commends FHWA for its efforts to work with the USACE and the EPA to identify mitigation measures to protect this aquatic resource.

Highlight:

- Acknowledge positive components of the EIS and the lead agency responses to the EPA's recommendations.

Example of rating

Example of LO rating:

The EPA has rated the draft EIS as LO, Lack of Objections. A summary of the EPA's rating definitions is enclosed. We appreciate the opportunity to review this draft EIS. If you have further questions, the staff contact for this review is Jane Green at (202) 123-1234.

Based on our review of the DEIS, the EPA has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. We have rated the DEIS as Lack of Objections (LO) (see enclosed "Summary of Rating Definitions"). The staff contact for the review is ...

Example EC-2 rating:

The EPA has rated the draft EIS as EC-2, Environmental Concerns – Insufficient Information. Please refer to the enclosed *Summary of Rating Definitions* for a detailed explanation of the EPA's rating system. The EPA's primary concern is on the proposal to offset wetland impacts by eradicating invasive wetland plant species and replanting with native plants. This form of restoration has been incorporated in a number of wetland mitigation efforts in habitats similar to the project site with minimal success. [*Cite studies or reports*]. The main reason for the failure has been linked to a lack of follow-through management on the site that prevents the reintroduction of invasive species and loss of the introduced native species. For this mitigation to be effective, the EPA recommends you consider incorporating an active monitoring plan that includes maintenance over a minimum of [X] years. The EPA also recommends that the plan includes the following corrective actions [*cite examples*]. Further information on what this plan should include may be found on the EPA's website at [*list the URL*]. Ms. Jane Green of my staff will continue to work with you on this effort.

In addition, the EPA recommends that the final EIS specify appropriate buffer zones to protect water quality from any herbicide or pesticide applications, and describe how herbicide/pesticide storage and mixing areas would be sited, designed, and managed to further protect water sources and other sensitive areas, such as food source and/or herb gathering areas. Lastly, the EPA recommends that the final EIS clearly identify which herbicide or other pesticides products, if any, would be approved for use (or conversely, banned) and in which areas.

Example EO-2 rating:

Based on the EPA's review, the draft EIS was rated as EO-2, Environmental Objections – Insufficient Information. Please refer to the enclosed *Summary of Rating Definitions* for a detailed explanation of the EPA's rating system. The EPA's review has identified significant environmental impacts to the native vegetated shallows that should be avoided in order to protect the environment. As proposed, the project would significantly increase the flow of sediment to the vegetated shallows (from a baseline of 10 milligrams/liter (mg/L) to 80 mg/L and greater, resulting in a concentration increase of more than 70 percent of the total suspended solids (TSS) and exceeding ABC standards of 30 mg/L of TSS, thereby threatening the viability of fish eggs, fish larvae, and crab eggs. The vegetated shallows are a designated essential fish habitat for commercially important fish and shellfish species and are considered a special aquatic site. The significant environmental degradation could be avoided by project modification. This includes the development and maintenance of 75 feet of riparian buffers, for both the grassed and forested portions of the project site, which would serve to slow water velocity, thus allowing sediment to settle out of the surface runoff water before entering the vegetated shallows. Monitoring of TSS levels is also needed after rain events to confirm the efficacy of the buffer zones. There is extensive research demonstrating the effectiveness of vegetated filter strips for sediment removal. [Cite studies]. Based on the EPA's experience, this buffer area could be accommodated within the project footprint with no constraints to operations, and should only increase the cost of your project by 1 to 2 percent. The EPA recommends this be further analyzed and included in the final EIS.

Example of EU-3 rating:

Based on the review of the information provided in the DEIS, the EPA has rated the DEIS as Environmentally Unsatisfactory; Inadequate Information (EU-3) (see enclosed "Summary of Rating Definitions"). The basis for the "EU" component of the rating is due to the size and functional value of the resources proposed for removal by the project – more than 200,000 acres of wetlands and special aquatic sites, including some of the most valuable bottomland hardwoods in the watershed, absent any mitigation. According to the DEIS, the wetlands encompass more than 60 percent of the watershed and are ranked "high value" (floodplain storage, sediment/toxicant retention, wildlife diversity) using the Wetland Evaluation Technique (WET), the standard methodology of several federal agencies. These wetland and special aquatic sites would be cleared, filled, excavated, and graded. Fill placed in these wetlands and special aquatic sites would permanently destroy these areas.

The "3" rating is based on the inadequate information in the DEIS due to multiple, viable alternatives that were dismissed without explanation. During the planning process for this project, the EPA met with your staff fourteen times to discuss the complex water quality and quantity management issues for the Basin, and to agree on a path forward. The EPA partnered with researchers to develop a non-structural reforestation alternative that would meet this project's objectives and substantially reduce the impacts to the 200,000 acres of wetlands and special aquatic sites. This non-structural alternative provides for a more sustainable and diversified approach to floodplain management in the Basin. This report is enclosed for your consideration. However, this non-structural alternative was not considered in the DEIS as a practicable alternative, and the DEIS did not explain the basis for that conclusion.

In addition, the EPA is providing an outline of a conceptual plan for an alternative investment proposal for the Basin. It meets the purpose and need for floodplain management, can be executed within the timeline, is technically feasible, does not increase development costs, and reduces the wetland and special aquatic site loss to less than 500 acres. Jane Green and Tom Smith from the EPA Office of Water will be available to assist you in your efforts to incorporate this alternative.

Given the anticipated impacts to wetlands and special aquatic sites, the DEIS does not adequately describe how the preferred alternative complies with 404(b)(1) requirements. For instance, *[describe what is missing]*. It also fails to examine reasonable alternatives, such as the non-structural technical alternative concept, which would avoid and minimize impacts to wetlands in the project area. Based on the knowledge and experience of our aquatic scientists, the EPA concludes that the implementation of the preferred alternative will result in adverse environmental consequences and does not represent the least environmentally damaging practicable alternative (LEDPA) required to obtain the necessary 404 permit from the Corps of Engineers.

The EPA is committed to working with you to resolve concerns and assist in developing a project that provides appropriate measures and minimizes adverse impacts. The EPA has determined that the DEIS does not meet the purposes of NEPA and thus should be formally revised and made available for public comment in a supplemental draft EIS. Furthermore, given the potential magnitude and severity of environmental impacts that could result from the recommended plan, the EPA considers this matter a candidate for further action under Section 404(c) of the CWA to restrict the discharge of fill material.

Highlight:

- The examples define the rating according to the specific concerns raised.
- Explain the problem areas in a sentence or two, referring to the reason the problem has resulted in the rating.
- Separate primary and secondary concerns. Lead with the most serious case.

- Provide a clear and complete description of the EPA's recommended changes. The examples also provide a solution to the fatal flaws, followed by supporting information, data, references, or other details that clarify the EPA's point of view.
- Identify any specific follow-up actions and offer the EPA's expertise.
- Provide comments that are objective and constructive. Offer solutions where necessary.

Example of conclusion

Example EU conclusion:

The EPA appreciates the opportunity to comment on the draft EIS. We look forward to continuing to work with you throughout the development of this project and will be contacting you to schedule a meeting in the near future. Should you have any questions or concerns, the staff contact for this project is John Smith. He may be reached at (202) 123-4567 or via email at smith.john@epa.gov.

Example of EO or EC letter conclusion:

We appreciate the opportunity to comment on the draft EIS. If you have any questions regarding these comments, the staff contact for this project is John Smith. He may be reached at (202) 123-4567 or via email at smith.john@epa.gov.

Example of a good comment cover letter

Dear Mr. Taylor:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration's (FHWA) Draft Environmental Impact Statement (DEIS) for the ACME Bypass (CEQ No. 2017000). The purpose of the Bypass is to improve inter-regional traffic in the vicinity of Paceville with the goal of improving mobility and enhancing safety within the corridor, while minimizing environmental and economic impacts.

The EPA has rated the draft EIS as EC-2, Environmental Concerns – Insufficient Information. Please refer to the enclosed *Summary of Rating Definitions* for a detailed explanation of the EPA's rating system. The EPA's primary concern is the impact to wetlands. Construction of a bypass through ACME Wetland will result in permanent loss of X acres of wetlands and permanent conversion of Y acres of wetlands from forested to emergent wetland type. These impacts may potentially alter wetland functions and hydrology and could result in a potential change in the wetland community structure. The ACME Wetland is isolated and solely dependent on precipitation for its hydrology. As such, the EPA is concerned with pollutants from the bypass, such as oil and grease, polyaromatic hydrocarbons, heavy metals, and salt and sand from deicing operations, that may accumulate in flora and fauna within the wetland complex. For example, sand for deicing in winter could effectively change the substrate near the road. If salt is used, the salinity of the wetland may be affected, resulting in a change in community structure and function. These water quality issues were not addressed in the draft EIS. In addition, the EPA recommends that these considerations be included in the Clean Water Act 404 evaluation and presented in the final EIS, with particular attention to indirect and cumulative impacts on wetlands. As practicable, consider storm drainage design criteria, such as grease/sediment traps, basins, and other best management practices (BMPs), as listed in the City's *Natural Areas Mitigation Manual*, to further protect water quality and wetlands.

The EPA's secondary concern is the proposed tree removal along the western bank. The removal of trees and other vegetation in this riparian zone should be limited and heavy use of construction equipment and activity should be minimized to reduce the potential for soil compaction, which could result in decreased infiltration rates. Please consider mitigating this impact by including structural and non-structural BMPs as part of the stormwater treatment system to address the high percentage of impervious surface and locations where discharge rates will be high and flow will be concentrated.

The EPA appreciates the opportunity to comment on the draft EIS. If you have any questions regarding these comments, the staff contact for this project is Jane Green. She may be reached at (202) 123-1234 or via email at green.jane@epa.gov.

Highlight:

- Detail is limited to what is necessary to understand the EPA's concerns with the project.

- Comments are detailed enough for the lead agency to be able to modify the analysis in the EIS. For example, there is enough detail to explain the problem and the measures the agency needs to address the problem.
- The EPA made its point concisely.
- The letter is structured in such a way that the main point is followed by detail to support the point and the assigned rating.

Example of before and after

Before – poorly written and confusing	After – more clear and concise
The following principles are applicable to your plans for road surfaces, planting of the grounds, use of recycling receptacles, painting and carpeting, and water conservation.	The following principles apply to your plans for paved surfaces, landscaping, recycling, painting and carpeting, and water conservation.
Include specific information in the Final EIS about the increased use of perfluorinated compounds (PFCs), used as components of the aqueous film forming foam ("A Triple F") used to extinguish jet fuel fires. Currently, the residents of AMCE rely on the groundwater supply for their only source of drinking water, as the aquifer has been designated a Sole Source Aquifer. PFCs have been found in high concentrations at a number of resident's drinking water wells, due to the need for firefighting and emergency response activities. The EPA recommends that the analysis be revised to address specifically the number of projected additional incidents that will need firefighting responses, and the related additional information to the drinking water supply. The analysis should also identify the measures that are being undertaken to ensure the continued clean up and the future protection of the aquifer.	The EPA appreciates the information about the ongoing investigation to remove, dispose, and replace legacy aqueous film forming foam that contains perfluorooctane sulfonate and/or perfluorooctanoic acid. As part of the final EIS, the EPA requests that the agency identify measures being taken to prevent further contamination to the sole source aquifer from legacy or new firefighting chemicals.
Validate the noise model assumptions by conducting on site monitoring of the current (baseline) noise impacts at specific locations identified in the DEIS (residences, schools, parks and visitor's centers). This on the ground validation of the more generalized annual average, model results will help provide an accurate assessment of actual noise impacts currently experienced by the residents, including children and wildlife, prior to the proposed expansion. We also recommend that the [agency] consider monitoring representative locations	The EPA recommends that the agency establish a monitoring program to verify that actual noise impacts are similar to those projected in the EIS. As part of this monitoring program, a protocol should be established that outlines when or if adaptive management measures are required. The EPA believes this on-the-ground validation would help provide an assessment of actual noise impacts projected to be experienced by the residents and wildlife from the proposed expansion. For example, monitoring sensitive receptor sites within each projected DNL noise

<p>within each noise level contour, with particular emphasis on monitoring the noise impacts inside the 70 to less than 75 dB DNL contour, and the equal to or greater than 75 dB DNL contour. Doing so will help characterize more fully the duration, frequency, and intensity of exposures to noise related impacts experienced by these populations within the loudest contour zones.</p>	<p>contour of 65dB and greater may help better characterize the actual duration, frequency, and intensity of impacts within the noise contour zones predicted to be the loudest.</p>
<p>We respect the mission and training needs of the ACME, and we understand that the configuration of the proposed action airspace is the result of close coordination with the Federal Aviation Administration to identify locations that support training requirements and maintain suitable training airspace configurations (FEIS, p. 2-18). We want to also mention the importance of interagency collaboration and cooperation in ensuring that all practicable precautionary measures are taken to protect, conserve, and recover sensitive species and habitats that would be most affected by the low altitude training operations. Our previous concerns for the sensitive habitats and species most affected remain, particularly in the proposed ACME Area, as a result of noise and disturbance from aircraft flyovers, potential for bird-aircraft collisions, and from the use of flares and chaff. We have previously recommended, and we maintain, that restricting the use of flares when fire danger is high or above is essential to protecting sage-grouse habitat, which is at risk from wildfire. And we have suggested that restricting the use of chaff in low airspace areas and over special natural areas, such as National Wildlife Refuges, National Park Service resources, and Wild and Scenic Rivers, can help protect those special areas.</p>	<p>The EPA remains concerned about the risk of wildfire to sensitive habitats and species from the use of flares during the low altitude training operations. The EPA recommends that precautionary measures are taken when fire danger is high to protect the sage-grouse habitat from the risk of a wildfire. The EPA also recommends that ACME limit the use of chaff when possible while conducting low altitude training operations over special natural areas, such as national wildlife refuges, national parks, and wild and scenic rivers.</p>

309 Review Comment Letter Checklist

This checklist is intended to inform the comment letter writing process by establishing the objectives and criteria on the scope of comments.

	Not Required	Not Covered or Addressed	Not Adequately Covered or Addressed	Covered or Addressed	Remarks:
1. Is the comment letter written to the <i>lead agency or its designee</i> (decision-maker) in a way that assists the lead agency in making a well-informed decision?					
2. Is the letter written in a professional, clear, concise and organized manner, and does it express the EPA's willingness to work with the agency to resolve outstanding issues?					
3. Are the concerns raised supported by the EPA's statutory authorities, policies, procedures, and expertise?					
4. Is the alpha numeric rating defined, and are the specific concerns that were the basis for the rating identified and clearly stated in a concise and focused manner?					
5. Has the EPA suggested mitigation measures that are reasonable, technically feasible and effective?					
6. Did the letter refer or cite to specific guidance, methodologies, or peer-reviewed scientific studies that the EPA considered appropriate to perform any requested additional analyses?					
7. Are the EPA recommendations based on the information/data provided in the EIS?					
8. Has the letter clearly explained the basis for the EPA's comments and what the EPA would expect to see in the EIS?					
9. Does the comment letter identify potential or actual project impacts that could result in potential violations of environmental standards (such as water quality standards, RCRA land disposal prohibitions and air quality standards) and explain how the EPA came to this conclusion? Are there suggestions on how the lead agency might address the issue(s) raised in our comments? Does the letter offer the assistance of the EPA subject matter experts to work with the lead agency to develop appropriate measures to reduce or avoid the impacts of concern?					
10. Are substantive concerns with technology, methodology, or permitting supported by the EPA regional or headquarters program office with the relevant expertise?					

EIS Rating Criteria Checklist

Which of the following best describes the level of environmental impact of the action? Choose one. Provide the bases for your determination.

Justification for your determination:

1. Review did not identify any potential environmental impacts requiring substantive changes to the preferred alternative.

[Lack of Objections]

2. Review identified environmental impacts that should be avoided in order to fully protect the environment.

[Environmental Concerns]

3. Review identified significant environmental impacts that should be avoided in order to adequately protect the environment.

[Environmental Objections]

4. Review has identified adverse environmental impacts that are of sufficient magnitude that the EPA believes the proposed action must not proceed as proposed.

[Environmentally Unsatisfactory]

What, if any, of the following Corrective Measures / Mitigation is required? Choose one. Provide the bases for your determination.

Justification for your determination:

1. Review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.

[Lack of Objections]

2. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.

[Environmental Concerns]

3. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative).

The basis for the rating can include the following situations (choose one):

- a. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard.
- b. Where the federal agency violates its own substantive environmental requirements that relate to the EPA's areas of jurisdiction or expertise;
- c. Where there is a violation of an EPA policy declaration;
- d. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or
- e. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.

[Environmental Objections]

4. Corrective measures will require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative).

In addition, the basis for the rating consists of identification of environmentally objectionable impacts as defined in Section 3 above and one or more of the following conditions:

- a. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;
- b. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or
- c. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

[Environmentally Unsatisfactory]

Which of the following best describes the adequacy of the EIS? Choose one. Provide the bases for your determination.

Justification for your determination:

1. The draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

[Adequate (1)]

2. The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the final EIS.

[Insufficient Information (2)]

3. The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates the EPA's belief that the draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS.

[Inadequate (3)]

Message

From: Hoppe, Allison [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HOPPE, ALLISON]
Sent: 10/21/2018 6:09:52 PM
To: Schwab, Justin [schwab.justin@epa.gov]
CC: Marshall, Tom [marshall.tom@epa.gov]
Subject: RE: draft & clean memo
Attachments: AH EDIT 10212018 Draft Memo 309 Rating System.docx

Ex. 5 Deliberative Process (DP)

Allison Hoppe
Attorney Advisor
American Indian & Alaska Native Special Emphasis Program Manager
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1912

I am a proud member of the LGBTQ+ community AND an EPA Ally. [Learn more and take the pledge here.](#)

Pronouns: She/Her/Hers

From: Schwab, Justin
Sent: Sunday, October 21, 2018 12:42 PM
To: Hoppe, Allison <hoppe.allison@epa.gov>
Subject: draft & clean memo

Please find attached. **Ex. 5 Deliberative Process (DP)**
that will help. I will not send this on until we've had a chance to discuss.

Message

From: Hoppe, Allison [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HOPPE, ALLISON]
Sent: 10/19/2018 7:58:44 PM
To: Schwab, Justin [schwab.justin@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]
Subject: NEPA 309 Ratings Memo
Attachments: Draft Memo 309 Rating System_AH edit_tm.docx

Justin,

I've attached a version of the memo with my and Tom's comments. I'll also bring a printed copy for you to the meeting.

Thanks,

Allison Hoppe
Attorney Advisor
American Indian & Alaska Native Special Emphasis Program Manager
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1912

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Pronouns: She/Her/Hers